

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No.: 2:24-cv-02034-CDS-NJK

ORDER

On October 30, 2024, *pro se* plaintiff Tyrone Nunn, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$405 filing fee nor filed an application to proceed *in forma pauperis* (IFP). See Docket No. 1.

Plaintiff has filed over 80 *pro se* lawsuits in this district since July 2023.¹ Dozens of these lawsuits have been dismissed because Plaintiff failed to correct fundamental defects like filing a single, signed complaint and either paying the filing fee or applying for IFP status. See, e.g., *Nunn v. Department of Corrections*, Case No. 3:24-cv-00050-ART-CLB, Docket No. 4 at 3–4 (D. Nev. Nov. 20, 2024) (collecting cases). Although the Court will give Plaintiff an opportunity to either pay the full filing fee or apply for IFP status in this case, the Court is considering other case-management options for Plaintiff, including recommending immediate dismissal of a case or declaring Plaintiff a vexatious litigant, if his unwillingness to file the documents necessary to initiate a civil action continues. See *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (holding that it is well-established that district courts have the inherent power to control their docket).

¹ The Court takes judicial notice of the online docket records of the U.S. Courts, which may be accessed by the public at: <https://pacer.uscourts.gov>.

1 As Plaintiff is aware, he must either pay the full \$405 filing fee or file a complete IFP
2 application if he wants to proceed with a civil action. For an inmate like Plaintiff to proceed
3 without prepaying the filing fee—that is apply for IFP status—he must submit **all three** of the
4 following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**
5 **for Inmate** on this Court's approved form with the inmate's two signatures on page 3, (2) a
6 **Financial Certificate** that is properly signed by both the inmate and a prison or jail official, and
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-**
8 **month period.**

9 Accordingly, for the reasons stated above,


10 IT IS ORDERED that, no later than **December 30, 2024**, Plaintiff must either pay the full
11 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
12 required documents: a completed application with the inmate's two signatures on page 3; a
13 completed financial certificate that is signed both by the inmate and the prison or jail official; and
14 a copy of the inmate's trust fund account statement for the previous six-month period.

15 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
16 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
17 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
18 complete application to proceed *in forma pauperis* or pay the required filing fee.

19 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Tyrone Nunn the approved form
20 application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the
21 complaint, Docket No. 1-1, but not file it at this time.

22 IT IS SO ORDERED.

23 DATED: November 25, 2024.

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26 NANCY J. KOPPE
27 UNITED STATES MAGISTRATE JUDGE
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